

1 2008, which gives plaintiffs only 10 business days to review approximately 500 pages, review the
2 cited law in defendant's brief, research and cite the law in support of plaintiffs' opposition and
3 prepare the brief. Plaintiffs' counsel needs to consult with their expert, Roger Clarke and may need
4 to obtain a declaration from said expert in support their opposition. Plaintiffs' firm consists of only
5 two lawyers who prior to the filing of said motion had other commitments within that time period.

6 Due to Stephen R. Jacobsen's other commitments, the opposition to this brief will be
7 prepared by Plaintiffs' counsel Brenda D. Posada. Ms. Posada is currently working on an opening
8 brief involving a complex appeal in state court and said opening brief is due September 9, 2008.
9 Due to time constraints and the nature of plaintiffs' counsel's small practice, Plaintiffs request that
10 this court continue the hearing to October 17, 2008, providing plaintiffs additional time to
11 competently respond to the voluminous motion filed by each of the four Defendants. (Although
12 their motion is combined, Plaintiffs will have to oppose each argument separately against each
13 defendant)

14 In the interest of cooperation, and since plaintiffs had agreed to stipulate to an extension of
15 the original motion hearing date, set for August 22, 2008 to September 19, 2008, (Document #53) as
16 a courtesy to defendants, plaintiffs felt it appropriate to ask defense counsel Charles Vose to likewise
17 stipulate to an extension of the hearing date of their current motion. Plaintiffs requested a
18 stipulation to continue the motion hearing in order to provide plaintiffs additional time to oppose
19 the current motion. However, Mr. Voce informed Ms. Posada that due to the upcoming pre-trial
20 deadlines in this case, he felt that he would have inadequate time to prepare pre-trial filings by the
21 October 31, 2008 deadline. But without this court's extension plaintiffs would have inadequate time
22 to respond to the defendants' summary judgment motion. (See Declaration of Brenda D. Posada)
23 Plaintiffs will be severely prejudiced and the outcome of the litigation definitely affected. *Id.*

24 Defense counsel agreed and the stipulation is attached hereto. Trial is set for December 1,
25 2008. There is no prejudice to any of the parties in continuing the hearing but plaintiffs' will be
26 unable to competently and adequately oppose the motion if the hearing is not continued for at least
27
28

DATED: August 21, 2008

By: \\s\\
BRENDA D. POSADA
Attorney for Plaintiffs
BENJAMIN ORTEGA AND MIGUEL ORTEGA

Having considered Plaintiffs' request, ITES is so ordered.

Continuance of Defendants' Motion for Partial Summary Judgment

DENIED

[Signature]

Judge Joseph C. Spero

Magistrate Joseph C. Spero